



SPONSOR: Sen. Townsend

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1
TO
SENATE BILL NO. 46

AMEND Senate Bill No. 46 by inserting after line 3 the following:

“(a)(4) In order to confirm the status of the occupant, before or after sending the notice as required by paragraph (a)(2) of this section, the owner must also contact a next-of-kin, emergency, or secondary contact via the information provided by the occupant in the rental agreement. The occupant must be given the chance to provide next-of-kin, emergency, or secondary contact information in the rental agreement.”

FURTHER AMEND Senate Bill No. 46 on line 6 by adding the word “independent” immediately before the word “website”.

FURTHER AMEND Senate Bill No. 46 by deleting lines 20 through 31 and inserting in lieu thereof the following:

“(f) Notwithstanding any law, rule, or regulation to the contrary, if the property upon which the lien is claimed is a motor vehicle, trailer, or watercraft and the rent and other charges are in default for 60 consecutive days, the owner may have the property towed. If a motor vehicle, trailer, or watercraft is towed as authorized in this section, the owner shall send, by verified or electronic mail to the occupant’s last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed; provided, however, if an owner sends the information to the occupant’s last known electronic mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant’s electronic mail address, the owner will deliver the information via verified mail to the occupant’s last-known address.”

FURTHER AMEND Senate Bill No. 46 by deleting lines 32 through 35 and inserting in lieu thereof the following:

~~“(h) In the event of a sale under this section, the owner may satisfy that owner’s lien from the proceeds of the sale but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within 2 years of the date of sale, it shall become the property of the owner without further recourse by the occupant.”~~

22 (i) In the event of a sale under this section, the owner may satisfy that owner's lien from the proceeds of the sale
23 but shall hold the balance, if any, for delivery on demand to the occupant. The balance is subject to the Delaware escheat
24 laws in Chapter 11 of Title 12, with the presumption of abandonment occurring 5 years after the date of the sale."

SYNOPSIS

This amendment requires a self-service storage facility owner to contact the occupant's next-of-kin, emergency, or secondary contact, if the occupant provided such information in the rental agreement. The amendment requires the owner to give the occupant the opportunity to provide the information in the rental agreement. The amendment also requires that the website for posting an advertisement be an independent website. The amendment removes the immunity provision for damages caused during the towing or removal of property. Finally, the amendment provides that any balance from the sale of property is subject to Delaware's escheat laws and is presumed abandoned after 5 years.

Author: Senator Townsend